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Attorneys for Defendant/Counter-Plaintiff,  
 KEATING DENTAL ARTS, INC.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL  
 CERAMICS, INC. dba GLIDEWELL  
 LABORATORIES,

Plaintiff,

v.

KEATING DENTAL ARTS, INC.

Defendant.

AND RELATED COUNTERCLAIMS.

Civil Action No.  
 SACV11-01309-DOC(ANx)

**DECLARATION OF DAVID G.  
 JANKOWSKI IN SUPPORT OF  
 KEATING DENTAL ARTS,  
 INC.'S MOTIONS FOR  
 SUMMARY JUDGMENT**

Honorable David O. Carter

1 I, David G. Jankowski, hereby declare as follows:

2 I am a partner in the law firm of Knobbe, Martens, Olson & Bear, LLP  
3 and am counsel of record for Defendant Keating Dental Arts, Inc. (“Keating”).  
4 I have personal knowledge of the matters set forth herein. If called upon to  
5 testify, I could and would testify competently to them.

6 **A. Glidewell Laboratories Discovery Responses**

7 1. Attached as **Exhibit 1** is a true and correct copy of Glidewell  
8 Laboratories (“Glidewell”) Responses to Rogs (Set 1 (Nos. 1-14)).

9 2. Attached as **Exhibit 2** is a true and correct copy of Glidewell’s  
10 Responses to Rogs (Set 2 (Nos. 15-24)).

11 3. Attached as **Exhibit 3** is a true and correct copy of Glidewell’s  
12 Responses to RFAs (Nos. 1-26).

13 **B. Glidewell’s Public Deposition Transcripts**

14 4. Attached as **Exhibit 4** is a true and correct copy of the deposition  
15 transcript of Dr. Michael DiTolla, in-house dentist within the Advertising and  
16 Marketing Department at Glidewell, providing testimony as a fact witness  
17 (“DiTolla Deposition”).

18 5. Attached as **Exhibit 5** is a true and correct copy of the deposition  
19 transcript of Robin Bartolo, Sales Manager for Glidewell Direct (a department  
20 within Glidewell), providing testimony as a fact witness (“Bartolo Deposition”).

21 6. Attached as **Exhibit 6** is a true and correct copy of the deposition  
22 transcript of Keith Allred, General Counsel at Glidewell, providing testimony  
23 on behalf of Glidewell as a designated Fed. R. Civ. P. 30(b)(6) witness (“Allred  
24 Deposition”).

25 **C. Glidewell’s Public Business Documents**

26 7. Attached as **Exhibit 7** is a true and correct copy of Deposition  
27 Exhibit 8 marked during the deposition of Mr. James Shuck, Vice-President of  
28 Sales and Marketing at Glidewell, providing testimony on behalf of Glidewell

1 as a designated Fed. R. Civ. P. 30(b)(6) witness (“Shuck Deposition”).

2 8. Attached as **Exhibit 8** is a true and correct copy of Deposition  
3 Exhibit 11 marked during the Shuck Deposition.

4 9. Attached as **Exhibit 9** is a true and correct copy of Deposition  
5 Exhibit 13 marked during the Shuck Deposition.

6 10. Attached as **Exhibit 10** is a true and correct copy of Deposition  
7 Exhibit 14 marked during the Shuck Deposition.

8 11. Attached as **Exhibit 11** is a true and correct copy of Deposition  
9 Exhibit 15 marked during the Shuck Deposition.

10 12. Attached as **Exhibit 12** is a true and correct copy of Deposition  
11 Exhibit 17 marked during the Shuck Deposition.

12 13. Attached as **Exhibit 13** is a true and correct copy of Deposition  
13 Exhibit 18 marked during the Shuck Deposition.

14 14. Attached as **Exhibit 14** is a true and correct copy of Deposition  
15 Exhibit 19 marked during the Shuck Deposition.

16 15. Attached as **Exhibit 15** is a true and correct copy of Deposition  
17 Exhibit 67 marked during the deposition of Robin Carden, Vice President of  
18 Research & Development at Glidewell, providing testimony as a fact witness  
19 (“Carden Deposition”).

20 16. Attached as **Exhibit 16** is a true and correct copy of Deposition  
21 Exhibit 68 marked during the Carden Deposition.

22 17. Attached as **Exhibit 17** is a true and correct copy of Deposition  
23 Exhibit 69 marked during the Carden Deposition.

24 18. Attached as **Exhibit 18** is a true and correct copy of Deposition  
25 Exhibit 116 marked during the deposition of Wolfgang Friebauer, Director of  
26 Research & Development at Glidewell, providing testimony as a fact witness  
27 (“Friebauer Deposition”)  
28

**D. Glidewell's Trademark Enforcement Communications**

19. Attached as **Exhibit 19** is a true and correct copy of Deposition Exhibit 29 marked during the Shuck Deposition.

20. Attached as **Exhibit 20** is a true and correct copy of Deposition Exhibit 107 marked during the Bartolo Deposition.

21. Attached as **Exhibit 21** is a true and correct copy of Deposition Exhibit 108 marked during the Bartolo Deposition.

22. Attached as **Exhibit 22** is a true and correct copy of Deposition Exhibit 109 marked during the Bartolo Deposition.

23. Attached as **Exhibit 23** is a true and correct copy of Deposition Exhibit 140 marked during the Allred Deposition.

24. Attached as **Exhibit 24** is a true and correct copy of a series of Deposition Exhibit 141 marked during the Allred Deposition.

25. Attached as **Exhibit 25** is a true and correct copy of a series of Deposition Exhibit 142 marked during the Allred Deposition.

26. Attached as **Exhibit 26** is a true and correct copy of Deposition Exhibit 143 marked during the Allred Deposition.

27. Attached as **Exhibit 27** is a true and correct copy of a series of Deposition Exhibit 144 marked during the Allred Deposition.

28. Attached as **Exhibit 28** is a true and correct copy of a series of Deposition Exhibit 145 marked during the Allred Deposition.

29. Attached as **Exhibit 29** is a true and correct copy of a series of Deposition Exhibit 146 marked during the Allred Deposition.

30. Attached as **Exhibit 30** is a true and correct copy of a series of Deposition Exhibit 147 marked during the Allred Deposition.

31. Attached as **Exhibit 31** is a true and correct copy of a series of Deposition Exhibit 148 marked during the Allred Deposition.

32. Attached as **Exhibit 32** is a true and correct copy of a series of

Deposition Exhibit 149 marked during the Allred Deposition.

33. Attached as **Exhibit 33** is a true and correct copy of a series of Deposition Exhibit 150 marked during the Allred Deposition.

34. Attached as **Exhibit 34** is a true and correct copy of Deposition Exhibit 151 marked during the Allred Deposition.

**E. Documents From Other Dental Industry Companies**

35. Attached as **Exhibit 35** is a true and correct copy of Deposition Exhibit 20 marked during the Shuck Deposition.

36. Attached as **Exhibit 36** is a true and correct copy of Deposition Exhibit 21 marked during the Shuck Deposition.

37. Attached as **Exhibit 37** is a true and correct copy of Deposition Exhibit 28 marked during the Shuck Deposition.

38. Attached as **Exhibit 38** is a true and correct copy of Deposition Exhibit 31 marked during the Shuck Deposition.

39. Attached as **Exhibit 39** is a true and correct copy of Deposition Exhibit 32 marked during the Shuck Deposition.

40. Attached as **Exhibit 40** is a true and correct copy of Deposition Exhibit 34 marked during the Shuck Deposition.

41. Attached as **Exhibit 41** is a true and correct copy of Deposition Exhibit 45 marked during the Shuck Deposition.

42. Attached as **Exhibit 42** is a true and correct copy of Deposition Exhibit 46 marked during the Shuck Deposition.

43. Attached as **Exhibit 43** is a true and correct copy of Deposition Exhibit 47 marked during the Shuck Deposition.

44. Attached as **Exhibit 44** is a true and correct copy of documents produced in this case bearing production numbers BOATRIGHT 000056 through BOATRIGHT 000082.

1 **F. Keating Dental Arts' Public Business Documents**

2 45. Attached as **Exhibit 45** is a true and correct copy of Exhibit B to  
3 Glidewell's Complaint in this lawsuit.

4 46. Attached as **Exhibit 46** is a true and correct copy of Deposition  
5 Exhibit 514 marked during the deposition of Bob Brandon, General Manager of  
6 Keating Dental Arts ("Brandon Deposition").

7 47. Attached as **Exhibit 47** is a true and correct copy of Deposition  
8 Exhibit 517 marked during the Brandon Deposition.

9 48. Attached as **Exhibit 48** is a true and correct copy of Deposition  
10 Exhibit 518 marked during the Brandon Deposition.

11 49. Attached as **Exhibit 49** is a true and correct copy of Deposition  
12 Exhibit 520 marked during the Brandon Deposition.

13 I declare under penalty of perjury under the laws of the United States of  
14 America that the foregoing is true and correct.

15 Executed November 19, 2012, in Irvine, California.

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17  
18 /s/ David G. Jankowski  
David G. Jankowski

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